

**FILED**  
**JUL - 1 2010**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**BARBARA G. DAUVEN, THEODORE  
(TED) E. DAUVEN, CHRISTIANA C.  
DAUVEN,**

Civil Case No. 09-1471-PK

**O R D E R**

Plaintiffs,

v.

**U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for MASTR Asset Backed Securities Trust,  
2006- WMC2 doing business as U.S. Bank,  
WELLS FARGO INCORPORATED, and John Does,  
U. S. BANCORP,**

Defendants.

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Barbara G. Dauven  
Theodore(Ted) E. Dauven  
Christiana C. Dauven  
13120 SW Thoma Rd.  
Lake Oswego, Oregon 97034

Pro Se Plaintiffs

Pilar C. French  
Megan E. Smith  
Lane Powell, PC  
601 SW Second Avenue, Suite 2100  
Portland, Oregon 97204-3158

Attorneys for Defendants

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on June 7, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation (#28) dated June 7, 2010 in its entirety.

IT IS HEREBY ORDERED that the court grants defendants' motion to dismiss for lack of subject matter jurisdiction (#21) with leave to amend to correct the defects in the jurisdictional allegations. The court grants defendants' motion to strike (#21). The court grants defendants' motion to dismiss for failure to state a claim and (#21) dismisses the plaintiffs' trespass causes of action (Third and Fourth Causes of Action) with prejudice. The court dismisses plaintiffs'

remaining claims with leave to amend, within thirty days, in a manner consistent with the Findings and Recommendation.

DATED this 30<sup>TH</sup> day of June, 2010.

  
GARR M. KING  
United States District Judge